

error, the party moving for reconsideration must do more than simply restate [their] prior arguments, and any arguments which the party inadvertently failed to raise earlier are deemed waived.” *McCoy v. Macon Water Authority*, 966 F. Supp. 1209, 1222-23 (M.D. Ga. 1997).

The Plaintiffs have not met this burden. They have not alleged an intervening change in the law nor presented new evidence previously unavailable to them. Moreover, the Court is not persuaded its ruling was clearly erroneous. After all, the Plaintiffs voluntarily dismissed their claims against all of the named Defendants (Doc. 26), thus prompting the Order and Judgment about which they now complain. Accordingly, the Plaintiffs’ Motion for Reconsideration is **DENIED**.

As to the Plaintiffs’ motions for Default Judgment, there are no Defendants left in this case. The Plaintiffs voluntarily dismissed these proceedings October 9, 2012. (Doc. 26). After that date, the case remained open only by virtue of the Plaintiffs’ then-pending appeal of the Court’s Order (Doc. 18) granting Bank of America’s Motion to Dismiss. Once the Eleventh Circuit dismissed that appeal (Doc. 29), no claims or Defendants remained. Therefore, there is nobody to seek default judgment against. Accordingly, those motions are also **DENIED**.

Further, as this action was previously dismissed, the Plaintiffs’ Amended Complaint (Doc. 34) and “Writ of Discovery” (Doc. 35) are improper filings and are **ORDERED** struck from the record. This case is **CLOSED**.

SO ORDERED, this 4th day of February, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT